

DB

FILED

07 NOV 16 AM 9:33

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA


'07 MJ2679

PRC
DEPUTY

| | | |
|---------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA, |) | Mag. Case Number: _____ |
| |) | |
| Plaintiff, |) | <u>COMPLAINT FOR VIOLATION OF</u> |
| |) | |
| v. |) | Title 31, U.S.C., Section 5332 |
| Jesus GOMEZ-Felix |) | Bulk Cash Smuggling |
| |) | |
| Defendant, |) | |
| _____ |) | |

The undersigned complaint being duly sworn states:

That on or about November 14, 2007, within the Southern District of California, Jesus GOMEZ-Felix, did knowingly and intentionally conceal on his person more than \$10,000.00 in US currency and attempt to transport such currency from a place inside the United States to a place outside of the United States, with the intent to evade the currency reporting requirement; in violation of Title 31, United States Code, Section 5332.


Moises Martinez
US Immigration and Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 16th DAY OF
NOV., 2007.


MAGISTRATE JUDGE



PROBABLE CAUSE STATEMENT

On November 14, 2007, at approximately 1:45 p.m., Supervisory Border Patrol Agent John Wallace was conducting inspections at the Otay Mesa, California, Port of Entry (southbound) pedestrian gate. Agent Wallace observed a male, later identified as Jesus GOMEZ-Felix, and asked GOMEZ where he was going to which GOMEZ replied, "Mexico".

Agent Wallace questioned GOMEZ who said that he did not have more than \$10,000 or weapons/ammunition to declare. Senior Border Patrol Agent Michael Leal witnessed the negative declaration given by GOMEZ. Agent Wallace asked GOMEZ for his immigration documents and GOMEZ began to visibly shake and appeared nervous as he handed the documents to Agent Wallace. Due to GOMEZ'S nervous reaction, Agent Wallace suspected that GOMEZ had contraband or weapons on his person.

For his safety, Agent Wallace asked GOMEZ to lift his shirt to expose his waist-band area. Agent Wallace immediately observed a package, wrapped in electrical tape, sticking out of the top of GOMEZ'S left rear pocket of his pants. Agent Wallace removed the package from GOMEZ'S pocket and observed it to be the size of U.S. Currency. Agent Wallace once again asked GOMEZ if he had more than \$10,000 to which GOMEZ replied he did not.

GOMEZ was walked over to Customs Commercial Lot of the Otay Mesa Port of Entry. Three packages were removed and found to be US currency in several different denominations, as well as loose bills found in his front pocket. Agent Wallace and Special Agent Moises Martinez counted the currency and found the total amount to be \$15,680.00.

In the post Miranda statement given by Jesus GOMEZ to special agents, GOMEZ admitted that he knew about the reporting requirement but did not know the amount he was carrying. GOMEZ also stated that he was the individual who wrapped his money in electrical tape to elude detection from Mexican law enforcement. GOMEZ admitted that the money he had concealed on his person was derived after illegally placing bets at a pool hall in Los Angeles for the last twenty days.

Executed on _____(date) at _____(time)

Special Agent